

REMARKS

Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 02-1818. If a Petition for Extension of Time is needed, this paper is to be considered such Petition.

Claims 1-7, 9, 11-16, 45, 48, 50-54, 57-59, 61-63 and 65-78 are pending. Claims 1, 59, 63, 68, 69, 71, 72, 74, 75, 77 and 78 are amended for clarity and to correct a typographical error. No new matter is added.

Information Disclosure Statement

A Supplemental Information Disclosure Statement and a Form PTO-1449 is provided under separate cover.

The Examiner is requested to please review the file history of this application in PAIR. When submitting Information Disclosure Statements, the undersigned includes a transmittal letter, a paper providing information, and a Form PTO-1449. In some instances, the paper providing information includes a table with documents that require initials by the Examiner. It has just come to the attention of the undersigned that Information Disclosure Statements have been misclassified in PAIR. Also the documents have been separated such that, at best, only parts of the documents are getting to the Examiner for review.

Traverse of the Election of Species

The requirement for election of species as set forth is traversed. In the Requirement for Restriction and Election mailed November 02, 2004, the Office already has previously issued an Election of Species requiring election among different species. In the response thereto, mailed January 03, 2005. Applicant elected the species of A) N is a positive integer between 1-20; B) the granzyme B as the protease scaffold; and C) cancer as the pathology. The Office also issued an Election of Species in the Requirement and Election mailed April 11, 2006. In the response thereto, mailed September 11, 2006, Applicant elected the species of target protein that is caspase 3 and the species of protease that is granzyme B.

The instant Election of Species, requiring further election of a tetrapeptide substrate sequence and a disease, is improper insofar as this election is not mutually exclusive from the prior election, since election of a target protein constrains the particular substrate sequence as well as the diseases. Thus, selection among each choice could result in election of a plurality of species, in addition to the species already elected. This is because the target protein or substrate in a target protein is one that is involved with a disease or pathology. Hence, the disease is one in which the target protein is involved. Further, the tetrapeptide substrate

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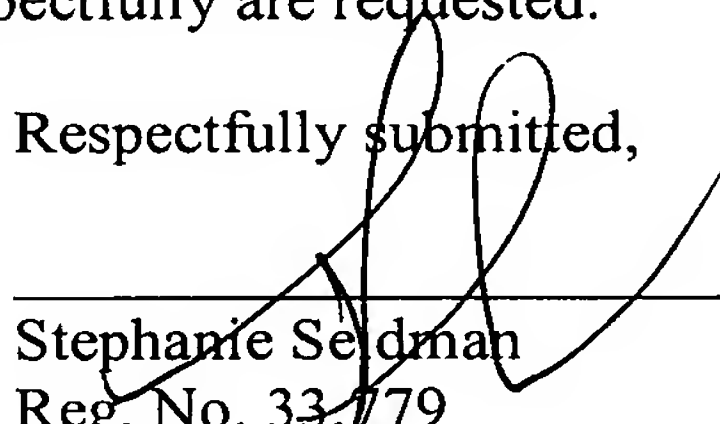
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Election and Amendment

sequence is a sequence in the target protein. Hence, the tetrapeptide sequence also is a sequence in the target protein. The Examiner, however, has not limited the Election of Species requirement to species elected in the previous Election of Species. Thus, Applicant could elect a disease and tetrapeptide substrate that are not related to the target protein caspase 3 previously elected. Hence, the election as set forth can result in election of several species. Since election of previous species of target protein of caspase 3 fixes the choice of election of species herein, it is redundant with the previous election of target protein. Thus, the election of the previous species is sufficient for search purposes. Nevertheless, to be responsive, Applicant has elected a species of tetrapeptide substrate and a disease, each consistent with the previous election of caspase 3 as the target protein.

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Consideration of the above remarks, entry of this amendment and continued examination of the application on the merits respectfully are requested.

Respectfully submitted,



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